

MEMORANDUM

Agenda Item No. 6(I)

TO: Hon. Chairperson and Members
Board of County Commissioners

(Second Reading 5-6-03)

DATE: March 11, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to signs in
the right-of-way

Ordinance pertaining to signs in the right-of-way. The ordinance is a request for the Board of County Commissioners to adopt the ordinance.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: May 6, 2003

SUBJECT: Ordinance pertaining to
signs in the right-of-way

FROM: Steve Shiver
County Manager

The proposed ordinance pertaining to signs in the right-of-way will have no fiscal impact on Miami-Dade County.



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: May 6, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(I)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6 (I)
5-6-03

ORDINANCE NO. _____

ORDINANCE PERTAINING TO SIGNS IN THE RIGHT-OF-WAY; PROVIDING FOR REBUTTAL OF PRESUMPTION THAT PERSON BENEFITING FROM UNLAWFUL SIGN AUTHORIZED OR COMMITTED VIOLATION; AMENDING SECTION 2-103.15 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-103.15 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**Sec. 2-103.15. Signs in public right-of-way;
prohibition.**

- (a) No person shall erect any sign, as described above [Section 2-103.14], within the right-of-way limits of any County maintained road within the unincorporated areas of >>Miami-<< Dade County or any County maintained road within the municipal limits of any municipality in >>Miami-<< Dade County.

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¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(e) Information contained on any sign including names, addresses or phone numbers of person>>s<< benefiting from the sign shall be sufficient evidence of ownership and/or beneficial interest for purpose of the enforcement of this section 2-103.15. >>It is provided, however, that a person charged with violation of this section may rebut such evidence by demonstrating the following:

(1) that the person charged with violation of this section gave prior, clear and express instruction regarding the specific lawful location or locations at which the sign or signs should have been placed. Such evidence may include written documentation establishing the prior instruction regarding the intended location, identification and form of placement of the specific sign or signs.

(2) that the sign or signs that are the subject of the charge were in fact properly and lawfully placed in accordance with the person's instruction but were moved to an unlawful location without the person's permission or authorization. Such documentation may include but is not limited to an index of signs and site maps of their assigned locations, photographs of the proper placement of the sign or signs in accordance with the person's instructions, or police information reports of missing signs identifying the original location of the sign or signs and a description of the size and design.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

Me

Joni Armstrong Coffey

Sponsored by Commissioner Commissioner Joni "Papa" Diaz and
Commissioner Rebeca Sosa

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